

SENATE BILL No. 315

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-5; IC 12-10-17-12; IC 12-17.2-3.5-12; IC 16-25-6; IC 16-27-2; IC 16-28-13; IC 20-1-1.8-20; IC 20-5-2-7; IC 20-6.1-3-7.1; IC 25-36.5-1-18; IC 35-38-5-5.

Synopsis: Criminal history information. Removes the definition of "limited criminal history" from the law concerning criminal history information. Changes references in the Indiana Code from "limited criminal history" to "criminal history data". Repeals and replaces a provision concerning release of criminal history data to noncriminal justice organizations to: (1) make a technical correction; and (2) allow release of the data if the subject of a release request is employed by an entity that seeks to enter into a contract with a public school or a nonpublic school and the subject is expected to have direct, ongoing contact with school children. Repeals provisions that require: (1) the Indiana central repository for criminal history information to process requests from certain persons for a limited criminal history check from the Federal Bureau of Investigation's National Crime Information Center; and (2) the state police department to limit access to the limited criminal history of certain persons.

Effective: July 1, 2003.

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January 15, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.



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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 315

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-5-1, AS AMENDED BY P.L.1-2002,
2 SECTION 13, AS AMENDED BY P.L.77-2002, SECTION 1, AND
3 AS AMENDED BY P.L.133-2002, SECTION 1, IS CORRECTED
4 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2003]: Sec. 1. The following definitions apply throughout this chapter:
6 (1) "Limited criminal history" means information with respect to
7 any arrest or criminal charge, which must include a disposition.
8 However, information about any arrest or criminal charge which
9 occurred less than one (1) year before the date of a request shall
10 be considered a limited criminal history even if no disposition has
11 been entered.
12 (2) (1) "Bias crime" means an offense in which the person who
13 committed the offense knowingly or intentionally:
14 (A) selected the person who was injured; or
15 (B) damaged or otherwise affected property;
16 by the offense because of the color, creed, disability, national
17 origin, race, religion, or sexual orientation of the injured person



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or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

~~(3)~~ **(2)** "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children less than eighteen (18) years of age.

~~(4)~~ **(3)** "Council" means the security and privacy council created under section 11 of this chapter.

~~(5)~~ **(4)** "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals. The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding a sex and violent offender (as defined in IC 5-2-12-4) obtained through sex and violent offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

~~(6)~~ **(5)** "Certificated employee" has the meaning set forth in IC 20-7.5-1-2.

~~(7)~~ **(6)** "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653, the licensing and regulating of riverboat gambling operations, or the licensing and regulating of pari-mutuel horse racing operations. *The term includes the office of the attorney general.* The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

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~~(8)~~ (7) "Department" means the state police department.
~~(9)~~ (8) "Disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.
~~(10)~~ *"Foreign protection order" has the meaning set forth in IC 34-6-2-48.5.*
~~(11)~~ *"Indiana order" has the meaning set forth in IC 5-2-9-2.1.*
~~(10)~~ ~~(12)~~ (9) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.
~~(11)~~ ~~(13)~~ (10) "Institute" means the Indiana criminal justice institute established under IC 5-2-6.
~~(12)~~ ~~(14)~~ (11) "Law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. *The term includes the office of the attorney general.*
~~(13)~~ ~~(15)~~ (12) "National criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.
~~(14)~~ (13) *"No contact order" means an order that prohibits a person from having direct or indirect contact with another person and that is issued under:*
 (A) IC 31-32-13;
 (B) IC 31-34-17;
 (C) IC 31-34-20;
 (D) IC 31-37-16;
 (E) IC 31-37-19-1;
 (F) IC 31-37-19-6;
 (G) IC 33-14-1-7;
 (H) IC 35-33-8-3.2; or
 (I) IC 35-38-2-2.3.
~~(15)~~ ~~(16)~~ (14) "Noncertificated employee" has the meaning set forth in IC 20-7.5-1-2.
~~(16)~~ ~~(17)~~ (15) "Protective order" has the meaning set forth in IC 5-2-9-2.1. *The term includes a foreign protection order (as defined in IC 34-6-2-48.5).*
~~(17)~~ ~~(18)~~ (16) "Qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services, including a business or an organization that licenses or certifies others to provide care or care placement services.
~~(18)~~ ~~(19)~~ (17) "Release" means the furnishing of a copy, or an edited copy, of criminal history data.

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~~(19)~~ ~~(20)~~ **(18)** "Reportable offenses" means all felonies and those Class A misdemeanors which the superintendent may designate.
~~(20)~~ ~~(21)~~ **(19)** "Request" means the asking for release or inspection of a ~~limited~~ criminal history **data** by noncriminal justice organizations or individuals in a manner which:

(A) reasonably ensures the identification of the subject of the inquiry; and

(B) contains a statement of the purpose for which the information is requested.

~~(21)~~ ~~(22)~~ **(20)** "School corporation" has the meaning set forth in IC 20-10.1-1-1.

~~(22)~~ ~~(23)~~ **(21)** "Special education cooperative" has the meaning set forth in IC 20-1-6-20.

~~(23)~~ ~~(24)~~ **(22)** "Unidentified person" means a deceased or mentally incapacitated person whose identity is unknown.

~~(24)~~ **(23)** "*Workplace violence restraining order*" means an order issued under IC 34-26-6.

SECTION 2. IC 5-2-5-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.2. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of criminal history data to noncriminal justice organizations or individuals only if the subject of the request:**

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has applied for a license and criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is employed by an entity that seeks to enter into a contract



with a public school (as defined in IC 20-10.1-1-2) or a nonpublic school (as defined in IC 20-10.1-1-3), if the subject of the request is expected to have direct, ongoing contract with school children within the scope of the subject's employment;

(10) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or nonpublic school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the division of family and children;

(13) is or was required to register as a sex and violent offender under IC 5-2-12; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, criminal history data obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of criminal history data by and release criminal history data to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

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(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) A person who uses criminal history data for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 3. IC 5-2-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. A noncriminal justice organization or individual which receives ~~a limited~~ criminal history **data** may not utilize it for purposes:

- (1) other than those stated in the request; or
- (2) which deny the subject any civil right to which the subject is entitled.

SECTION 4. IC 5-2-5-7, AS AMENDED BY P.L.116-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Except as provided in subsection (c), on request for release or inspection of ~~a limited~~ criminal history **data**, law enforcement agencies may and the department shall do the following:

- (1) Require a form, provided by them, to be completed. This form shall be maintained for a period of two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information which:

- (1) has been requested; and
- (2) is ~~limited~~ criminal history ~~information~~: **data**.

(c) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12.

SECTION 5. IC 5-2-5-13, AS AMENDED BY P.L.109-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) The department may not charge a fee for responding to a request for the release of ~~a limited~~ criminal history ~~record~~ **data** if the request is made by a nonprofit organization:

- (1) that has been in existence for at least ten (10) years; and



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(2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

(B) is a home health agency licensed under IC 16-27-1;

(C) is a community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-39);

or

(D) is a supervised group living facility licensed under IC 12-28-5.

(b) The department may not charge a fee for responding to a request for the release of a ~~limited~~ criminal history **record data** made by the division of family and children or a county office of family and children if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 12-17.4.

(c) The department may not charge a fee for responding to a request for the release of a ~~limited~~ criminal history **data** if the request is made by a school corporation, special education cooperative, or non-public school (as defined in IC 20-10.1-1-3) as part of a background investigation of an employee or adult volunteer for the school corporation, special education cooperative, or non-public school.

SECTION 6. IC 12-10-17-12, AS AMENDED BY P.L.134-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The division shall register an individual who provides the following:

(1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.

(2) The individual's ~~limited~~ criminal history **data** check from the Indiana central repository for criminal history information under IC 5-2-5 or another source allowed by law.

(3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.

(4) Three (3) letters of reference.

(5) A registration fee. The division shall establish the amount of the registration fee.

(6) Proof that the individual is at least eighteen (18) years of age.

(7) Any other information required by the division.

(b) A registration is valid for two (2) years. A personal services

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attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The ~~limited~~ criminal history **data** check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division and any organization designated under section 11 of this chapter shall maintain a file for each personal services attendant that contains:

- (1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and
- (2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

- (1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.
- (2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

SECTION 7. IC 12-17.2-3.5-12, AS AMENDED BY P.L.109-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A provider shall, at the provider's expense, provide to the voucher agent a copy of a ~~limited~~ criminal history **data** for:

- (1) the provider;
- (2) if the provider provides child care in the provider's home, any individual who resides with the provider and who is:
 - (A) at least eighteen (18) years of age; or
 - (B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and
- (3) any individual who is employed at the facility where the provider provides child care.

(b) In addition to the requirement under subsection (a), a provider shall report to the voucher agent any:

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

not listed ~~on a limited in~~ criminal history **data** provided under subsection (a) regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this

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chapter is temporarily eligible to receive voucher payments until the provider receives the ~~limited~~ criminal history **data** required under subsection (a) from the state police department if:

(1) the provider:

(A) has applied for the ~~limited~~ criminal history **data** required under subsection (a); and

(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency; and

(2) the local criminal history does not reveal that an individual has been convicted of a:

(A) felony;

(B) misdemeanor related to the health or safety of a child;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a ~~limited~~ criminal history **data** is required under this section has been convicted of a:

(1) felony;

(2) misdemeanor related to the health or safety of a child;

(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

until the individual is dismissed from employment at the facility or no longer resides with the provider.

SECTION 8. IC 16-25-6-2, AS ADDED BY P.L.256-1999, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A person who owns or operates a hospice program shall apply, not more than three (3) business days after the date that an employee or a volunteer begins to provide hospice services, for a copy of the employee's or volunteer's ~~limited~~ criminal history **data** from the Indiana central repository for criminal history information under IC 5-2-5.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than three (3) business days without applying for that individual's or volunteer's ~~limited~~ criminal history **data** as required by subsection (a).

SECTION 9. IC 16-25-6-3, AS ADDED BY P.L.256-1999, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b), a person who owns or operates a hospice program may not employ an individual or allow a volunteer to provide hospice services if that individual's or volunteer's ~~limited~~ criminal history **data** indicates that the individual or volunteer has:

- (1) been convicted of rape (IC 35-42-4-1);
- (2) been convicted of criminal deviate conduct (IC 35-42-4-2);
- (3) been convicted of exploitation of an endangered adult (IC 35-46-1-12);
- (4) had a judgment entered against the individual for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
- (5) been convicted of theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the individual's employment application date.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than twenty-one (21) calendar days without receipt of that individual's or volunteer's ~~limited~~ criminal history **data** required by section 2 of this chapter, unless the Indiana central repository for criminal history information under IC 5-2-5 is solely responsible for failing to provide the individual's or volunteer's ~~limited~~ criminal history **data** to the hospice program within the time required under this subsection.

SECTION 10. IC 16-27-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A person who operates a home health agency shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a copy of the employee's ~~limited~~ criminal history **data** from the Indiana central repository for criminal history information under IC 5-2-5.

(b) A home health agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for that person's ~~limited~~ criminal history **data** as required by subsection (a).

SECTION 11. IC 16-27-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's ~~limited~~ criminal history **data** indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).

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(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

(b) A home health agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's ~~limited~~ criminal history **data** required by section 4 of this chapter, unless the Indiana central repository for criminal history information under IC 5-2-5 is solely responsible for failing to provide the person's ~~limited~~ criminal history **data** to the home health agency within the time required under this subsection.

SECTION 12. IC 16-28-13-4, AS AMENDED BY P.L.108-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Except as provided in subsection (b), a person who:

(1) operates or administers a health care facility; or

(2) operates an entity in the business of contracting to provide nurse aides or other unlicensed employees for a health care facility;

shall apply within three (3) business days from the date a person is employed as a nurse aide or other unlicensed employee for a copy of the person's state nurse aide registry report from the state department and a ~~limited~~ criminal history **data** from the Indiana central repository for criminal history information under IC 5-2-5 or another source allowed by law.

(b) A health care facility is not required to apply for the state nurse aide registry report and limited criminal history required by subsection (a) if the health care facility contracts to use the services of a nurse aide or other unlicensed employee who is employed by an entity in the business of contracting to provide nurse aides or other unlicensed employees to health care facilities.

SECTION 13. IC 16-28-13-5, AS AMENDED BY P.L.108-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A person who:

(1) operates or administers a health care facility; or

(2) operates an entity in the business of contracting to provide nurse aides or other unlicensed employees for a health care facility;

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1 may not employ a person as a nurse aide or other unlicensed employee
 2 after receipt of the person's state nurse aide registry report if that
 3 person's report indicates that the person committed an offense under
 4 section (3)(a)(2) of this chapter and has been placed on the state nurse
 5 aide registry, or after receipt of the ~~limited~~ criminal history **data** if that
 6 person's ~~limited~~ criminal history **data** indicates that the person has
 7 been convicted of any of the offenses described in section 3(a)(1) of
 8 this chapter.

9 SECTION 14. IC 16-28-13-6, AS AMENDED BY P.L.108-1999,
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2003]: Sec. 6. (a) A person who:

- 12 (1) operates or administers a health care facility; or
- 13 (2) operates an entity in the business of contracting to provide
- 14 nurse aides or other unlicensed employees for a health care
- 15 facility;

16 is responsible for the payment of fees under IC 5-2-5-7 and other fees
 17 required to process a state nurse aide registry report and a ~~limited~~
 18 criminal history **data** under section 4 of this chapter.

19 (b) A health care facility or an entity in the business of contracting
 20 to provide nurse aides or other unlicensed employees for a health care
 21 facility may require a person who applies to the health care facility or
 22 entity for employment as a nurse aide or other unlicensed employee:

- 23 (1) to pay the cost of fees described in subsection (a) to the health
- 24 care facility or entity at the time the person submits an application
- 25 for employment; or
- 26 (2) to reimburse the health care facility or entity for the cost of
- 27 fees described in subsection (a).

28 SECTION 15. IC 16-28-13-11, AS AMENDED BY P.L.108-1999,
 29 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2003]: Sec. 11. (a) Each:

- 31 (1) health care facility; and
- 32 (2) entity in the business of contracting to provide nurse aides or
- 33 other unlicensed employees for a health care facility;

34 shall maintain a personnel record for each nurse aide and other
 35 unlicensed employee employed by the health care facility or entity that
 36 includes the nurse aide's or other unlicensed employee's state nurse
 37 aide registry report and ~~limited~~ criminal history **data** required by
 38 section 4 of this chapter.

39 (b) The personnel records of each health care facility shall be
 40 available for inspection by the state department to assure compliance
 41 with this chapter.

42 (c) An entity in the business of contracting to provide nurse aides or

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1 other unlicensed employees to health care facilities shall provide a
 2 copy of the state nurse aide registry report and limited criminal history
 3 obtained under section 4 of this chapter to each health care facility to
 4 which the entity provides a nurse aide or other unlicensed employee.
 5 If the entity fails to provide a copy of the state nurse aide registry report
 6 and ~~limited~~ criminal history **data** to a health care facility, the health
 7 care facility is not in violation of this chapter.

8 SECTION 16. IC 20-1-1.8-20 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. The proposal must
 10 comply with the following minimum requirements:

11 (1) Include a detailed description of the manner in which the
 12 eligible programs available within the county are to be
 13 implemented, coordinated, and monitored.

14 (2) Certify that each eligible entity shall request and obtain a
 15 ~~limited~~ criminal history **data** on each prospective employee hired
 16 by the eligible entity after July 1, 1991.

17 (3) Designate a fiscal agent to administer the implementation
 18 grant.

19 (4) Demonstrate how at least the following eligible programs may
 20 be offered, coordinated, and monitored within the entire county
 21 under an agreement with the providers of the following eligible
 22 programs:

23 (A) Preschool, including Head Start under 42 U.S.C. 9831 et
 24 seq., special education preschool, or developmental child care
 25 programs for preschool children.

26 (B) Child care programs.

27 (C) The Early and Periodic Screening, Diagnosis, and
 28 Treatment program under 42 U.S.C. 1396 et seq.

29 (D) Early intervention parent information programs.

30 (E) Individual family service plans.

31 (F) School age child care programs (commonly referred to as
 32 latch key programs).

33 (G) Family literacy programs that may be funded through Even
 34 Start under 20 U.S.C. 2741 et seq.

35 (H) Job Opportunities and Basic Skills Training Program
 36 under 42 U.S.C. 701 et seq.

37 (I) Job Training Partnership Act programs under 29 U.S.C.
 38 1501 et seq.

39 (J) Parental involvement programs.

40 (K) Children of children child care programs aimed at serving
 41 children of teenage parents to encourage the teenage parents
 42 to graduate from high school or participate in vocational

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training.

(L) Vocational training programs for unemployed parents.

(M) Health, nutrition, and vaccination programs.

(N) State medical assistance services for eligible individuals under IC 12-15.

(5) Certify that the eligible programs described in subdivision (4) are provided at no cost to parents of children who qualify under the income eligibility guidelines and at an affordable or sliding fee for other parents.

(6) Describe the manner in which the implementation grant will be directed to and expended by eligible programs.

SECTION 17. IC 20-5-2-7, AS AMENDED BY P.L.272-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) A school corporation, including a school township, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) employment with the school corporation; or

(B) employment with an entity with which the school corporation contracts for services;

(2) seek to enter into a contract to provide services to the school corporation; or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation, including a school township, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section may require any of the following:

(1) The school corporation, including a school township, may request ~~limited~~ criminal history ~~information~~ **data** concerning each applicant for noncertificated employment or certificated employment from a local or state law enforcement agency before or not later than three (3) months after the applicant's employment by the school corporation.

(2) Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation to request under IC 5-2-5 ~~limited~~ criminal history ~~information~~ **data** or a national criminal history background check concerning the individual before or not later than three (3) months after the individual's employment by

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the school corporation. The school corporation may require the individual to provide a set of fingerprints and pay any fees required for a national criminal history background check.

(3) Each individual hired for noncertificated employment may be required at the time the individual is hired to submit a certified copy of the individual's ~~limited~~ criminal history **data** (as defined in ~~IC 5-2-5-1(1)~~ **IC 5-2-5-1(4)**) to the school corporation.

(4) Each individual hired for noncertificated employment may be required at the time the individual is hired to:

(A) submit a request to the Indiana central repository for ~~limited~~ criminal history ~~information~~ **data** under IC 5-2-5;

(B) obtain a copy of the individual's ~~limited~~ criminal history **data**; and

(C) submit to the school corporation the individual's ~~limited~~ criminal history **data** and a document verifying a disposition (as defined in ~~IC 5-2-5-1(6)~~ **IC 5-2-5-1(8)**) that does not appear ~~on~~ **in** the ~~limited~~ criminal history **data**.

(5) Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's ~~limited~~ criminal history **data**. The failure to answer honestly questions asked under this subdivision is grounds for termination of the employee's employment.

(6) Each individual that:

(A) seeks to enter into a contract to provide services to a school corporation; or

(B) is employed by an entity that seeks to enter into a contract with a school corporation;

may be required at the time the contract is formed to comply with the procedures described in subdivision (4)(A) and (4)(B). The school corporation either may require that the individual or the contractor comply with the procedures described in subdivision (4)(C) or (5). Failure to comply with subdivisions (4) and (5), as required by the school corporation, is grounds for termination of the contract.

(c) If an individual is required to obtain a ~~limited~~ criminal history **data** under this section, the individual is responsible for all costs associated with obtaining the ~~limited~~ criminal history **data**.

(d) Information obtained under this section must be used in accordance with IC 5-2-5-6.

SECTION 18. IC 20-6.1-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7.1. (a) As used in this

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section, "applicant" refers to an applicant for:

- (1) a new license;
- (2) a renewal license; or
- (3) a substitute teacher certificate;

issued by the board.

(b) As used in this section, "~~limited~~ criminal history **data**" has the meaning set forth in ~~IC 5-2-5-1(1)~~: **IC 5-2-5-1(4)**.

(c) As used in this section, "disposition" has the meaning set forth in ~~IC 5-2-5-1(6)~~: **IC 5-2-5-1(8)**.

(d) An applicant must do the following:

- (1) Submit a request to the Indiana central repository for ~~limited~~ criminal history ~~information~~ **data** under IC 5-2-5.
- (2) Obtain a copy of the ~~limited~~ criminal history **data** for the applicant from the repository's records.
- (3) Submit to the board the ~~limited~~ criminal history **data** for the applicant.
- (4) Submit to the board a document verifying a disposition that does not appear ~~on~~ **in** the ~~limited~~ criminal history **data** for the applicant.

(e) The board may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(f) The board must use the information obtained under this section in accordance with IC 5-2-5-6.

(g) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 19. IC 25-36.5-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) The definitions set forth in IC 5-2-5-1 apply throughout this section.

(b) The department shall under ~~IC 5-2-5-5(b)~~ **IC 5-2-5-5.2(b)** request and obtain the release of a ~~limited~~ criminal history **data** from the state police department on each person who applies to the department under this chapter for the issuance of either of the following:

- (1) A timber buyer registration certificate.
- (2) A timber buyer agent's license.

SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 5-2-5-5; IC 5-2-5-5.1; IC 35-38-5-5.

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